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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BIG ISLAND TOPSOIL LLC)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 03-0189

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HAWAIIAN CONSUMER ADV
COUNCIL

DECISION AND ORDER NO. 20693

Filed Nov. 28, 2003
At 8:45 o'clock A.M.

for Brooke K. Nagai
Chief Clerk of the Commission

ATTEST: A True Copy
BROOKE K. NAGAI
Administrative Director
Public Utilities Commission
State of Hawaii
Brooke K. Nagai

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

BIG ISLAND TOPSOIL LLC)

Docket No. 03-0189

For Extension of Motor Carrier)
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DECISION AND ORDER

I.

Application for Common Carrier Authority

BIG ISLAND TOPSOIL LLC ("Applicant") is a common carrier of property by motor vehicle over irregular routes on the islands of Oahu and Hawaii in the general commodities (excluding break bulk and delivery) and dump truck classifications. On July 2, 2003, Applicant filed an application seeking commission approval to extend its authority under certificate of public convenience and necessity number 5129-C ("Certificate No. 5129-C")¹ to include the general commodities (excluding break bulk and delivery) and dump truck classifications on the islands of Kauai and Maui. Applicant represents that if its authority is extended as requested, it can meet customer demand for general freight and dump truck hauling on the islands of Kauai and Maui.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be

¹The application mistakenly identifies Applicant's Certificate No. as 5921-C.

affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of its authority should be granted.


III.

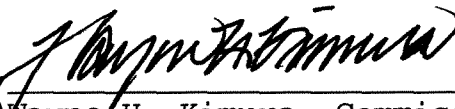
Order

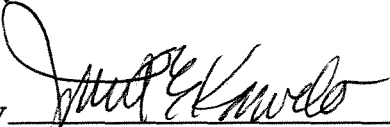
THE COMMISSION ORDERS that Applicant is authorized to operate as a common carrier of property over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, in the general commodities (excluding break bulk and delivery) and dump truck classifications.

DONE at Honolulu, Hawaii this 28th day of November,
2003.

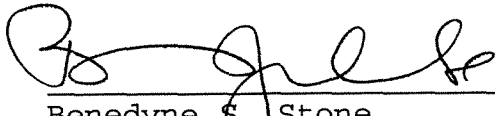
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

03-0189.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20693 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

BIG ISLAND TOPSOIL LLC
c/o DAVID A. SOUZA, SR.
P. O. Box 1999
Kamuela, Hawaii 96743

for *Sandra Teo*
Karen Higashi

DATED: November 28, 2003